

**6:45 p.m. Study Session:**

- **WM Yard Waste Program**
- **Maintenance of Veterans Park**
- **License for encroachment – 27 W. Franklin St.**

# Agenda

## Tipp City City Council

**7:30 p.m. Tuesday, February 16, 2010**

## Tipp City Government Center

**260 South Garber Drive**

**Tipp City, Ohio 45371-3116**

	<b>Agenda Item</b>	<b>Presenter</b>
1.	<b>Call to Order - Roll Call</b>	President Hale
2.	<b>Prayer for Guidance, Pledge of Allegiance</b>	Pastor Dan Williams, Charity Baptist Church
3.	<b>Motion to Approve the Agenda</b>	President Hale
4.	<b>Minutes of the February 1, 2010 Pre-Meeting Study Session</b> <b>Minutes of the February 1, 2010 City Council Meeting</b>	President Hale
5.	<b>Presentations, Proclamations, &amp; Awards</b>	President Hale
6.	<b>Legislation</b>	
	<b>Ordinances</b> <i>(second reading)</i>	Mr. Crusey
	<b>Resolutions</b> <i>(one reading required)</i>  A. Resolution No. __-10: A resolution authorizing a contract with CB&I of Sewickley, PA for the 1.0 million gallon water storage tank at a cost of \$2,257,000.  <u>Clerk of Council Summary:</u> This resolution awards CB&I the contract to build a new steel water tank with an extra structural floor.	Mr. Crusey

	<p><b>Ordinances</b> <i>(first reading)</i></p> <p>A. Ordinance No. __-10: An ordinance providing for the issuance and sale of notes in the maximum principal amount of \$1,875,000, in anticipation of the issuance of bonds, for the purpose of paying (I) the City's portion of the costs of improving County Road 25A between certain termini within the City in cooperation with the Director of Transportation of the State of Ohio by paving, draining and constructing curbs, gutters and necessary approaches, together with all necessary appurtenances thereto, (II) the costs of extending Kinna Drive both Northerly and Southerly from the current termini, by excavating, grading, draining, paving, and curbing, installing street lighting, water lines and storm and sanitary sewer lines, fire protection systems and electric lines, together with all necessary appurtenances thereto and (III) the costs of improving the municipal electric utility by acquiring and installing a 1,825 KW back-up generator, together with all necessary appurtenances thereto.</p> <p><u>Clerk of Council Summary:</u> This ordinance will allow the City to roll over notes for County Road 25A improvements, Kinna Drive improvements, and the acquisition and installation of an electric generator.</p>	Mr. Crusey
<b>7.</b>	<b>Motions</b>	President Hale
<b>8.</b>	<p><b>Miscellaneous</b></p> <p>A. BZA Appeal – Holiday Inn</p> <p>B. BZA Appeal – Gardens Alive!</p>	President Hale
<b>9.</b>	<b>Citizen Comments on Items Not on the Agenda</b>	
<b>10.</b>	<b>Comments of Councilmembers/City Manager</b>	
<b>11.</b>	<b>Adjournment</b>	

## AGENDA

### RESOLUTIONS

- A. **Water Tower Bid Award** – Bids for the construction of a new 1 million gallon water tower were opened on January 28. Bids were received for two types of water towers: a composite water tower (concrete base with a steel bowl) and an all steel water tower. The apparent low bidder on the composite water tower was Phoenix Fabricators & Erectors of Sebree, KY at a cost of \$1,980,566. Their alternate bid for a structural second floor was \$125,000, for a total of \$2,105,566. The apparent low bidder for the all steel water tower was CB&I of Sewickley, PA at a cost of \$2,138,000. CB&I's alternate bid for a structural second floor was \$119,000, for a total of \$2,257,000. The results of the bids were reviewed with Council during a February 1 Study Session. Council reviewed the cost difference between the two types of water towers (+\$151,434 for an all state tank) and the cost difference to repaint a composite water tower versus an all steel water tower (+172,000 for an all steel tank). Following Council's review, staff was directed to prepare a resolution to award a contract to CB&I for an all steel water tower for the following reasons: 1) the project is funded 30% by a grant from OPWC thereby reducing the additional cost for an all steel water tower to approximately \$106,000 which is a relatively small additional investment for a facility

that will last well beyond 50 years; 2) Council preferred the aesthetics of the all steel water tower and the fact that it will match the existing 1 million gallon water tower, both of which will be visible from I-75.

#### **ORDINANCES** *(first reading)*

- A. **Note Renewal: CR 25-A , Kinna Drive &** – The CR 25-A reconstruction project completed in 2006, the 2009 extension of Kinna Drive, and the electric generator purchased in 2006 are partly financed by the issuance of short-term debt, or 1-year bond anticipation notes. Annually, on the anniversary date of the issuance of the notes, the City must refinance, or rollover, its outstanding notes until such debt is taken long, or financed with long-term debt. The City’s bond counsel has prepared this legislation for the sale of the CR-25A note (\$525,000), the Kinna Drive Extension note (\$425,000) and Electric Generator note (\$925,000). Bond anticipation notes in the amount of \$1,875,000 are scheduled to be sold on April 6, 2010 with the closing taking at the end of April. A memo from Finance Director Drennen is provided for Council’s review.

#### **MISCELLANEOUS**

- A. **Holiday Inn Appeal of a BZA Decision** – Holiday Inn Express, 110 West Main Street, has filed an appeal of the Board of Zoning Appeals decision upholding the Zoning Administrator’s determination that a variance cannot be granted for the area of sign. The maximum area for a ground mounted sign abutting I-75 is 120 square feet. Holiday Inn Express requested a variance to allow a 200 square foot sign. Holiday Inn Express, however, is permitted to utilize a pre-existing, non-conforming, sign on their property that has an area of 182 square feet. Section 154.107(D) of the Tipp City Code of Ordinances specifically limits the BZA’s authority to grant a variance to the height of a sign only. The Law Director has issued a legal opinion (attached) that City Council is not authorized to grant a variance for a sign with an area of 200 square feet.
- B. **Gardens Alive! Appeal of a BZA Decision** – Gardens Alive! has filed an appeal of the Board of Zoning Appeals decision to uphold the Planning Boards ruling denying Gardens Alive!’s request for a waiver from the off-street parking and paving requirements. Garden Alive! expanded an existing structure at 457 E. Evanston Road thereby requiring additional off-street parking to be provided and the existing and additional off-street parking area to be paved. Gardens Alive! had requested a waiver seeking to not be required to provide additional off-street parking or to pave the off-street parking area.

Council welcomes the comments and input of the public during the Council meetings. In order to provide an orderly fashion in which all interested parties have an opportunity to address Council, Council has adopted the following procedure for citizen's comments during any portion of the Council meeting or Public Hearing.

Any citizen who wishes to address Council must first seek recognition from the President of Council. Upon recognition by the President, the speaker should approach the podium, state their name and make their comments. Speakers should not leave the podium to approach Councilmembers without first obtaining permission. After completion of their comments, Council would request that the speakers return to their seat so that any other interested persons could then be recognized and address Council.

The purpose of this procedure is to afford the maximum opportunity for citizen input without any type of disruption of the Council proceedings. While others are addressing Council from the podium, Council requests that audience members not make comments to Council or to individuals at the podium to prevent any potential confusion or disruption.